

SANJIV

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 744 OF 2006**

Shamkant M. Chavande

....Petitioner

**Vs.**

The State of Maharashtra & Ors.

....Respondents

Mr. B. A. Allor for petitioner.

Ms. Aarti Mahajan with M. V. Limaye for respondent 2.

Ms. M. H. Mhatre, APP for the State.

**CORAM : SMT. RANJANA DESAI, J.**

**DATE : 16TH NOVEMBER, 2006.**

**P. C.:-**

1. The petitioner is convicted for the offence under Section 138 of the Negotiable Instruments Act, and is sentenced to suffer S. I. for 4 months and ordered to pay compensation of cheque amount of Rs.1,85,000/- to the complainant within a two months from the date of pronouncement of judgment and in default he is to suffer S. I. for one month. This judgment was delivered by the 8<sup>th</sup> Judicial

..2..

Magistrate, First Class, Pune on 15/12/2005. The petitioner filed an appeal in the Sessions Court at Pune. The Sessions Court has admitted the appeal by order dated 16/01/2006. The Sessions Court stayed the jail sentence awarded to the petitioner on furnishing P. R. bond of Rs.15,000/- with one surety of the like amount. The Sessions Court ordered that notice be issued to the petitioner as the trial court has already granted two months time to pay the compensation amount. In this petition, the petitioner has sought modification of the order passed by the Sessions Court.

2. I heard the learned counsel for petitioner. He submitted that the compensation amount may be reduced. He submitted that the petitioner is a heart patient and in the circumstances of the case, looking to his health condition, a kindly view may be taken. In my opinion no case is made out for modification of the impugned order. However, in the peculiar facts and circumstances of the case, time to deposit the compensation amount is extended by a period of two months from today.

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The writ petition is disposed of in the aforestated terms.

**(SMT. RANJANA DESAI, J)**